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Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption
Buenos Aires, 4-7 December 2001

Proposals and contributions received from Governments

Turkey: comments for a convention against corruption

1. The most recent international legal instrument of a universal nature in the field of crime prevention is the United Nations Convention against Transnational Organized Crime (the "Organized Crime Convention", General Assembly resolution 55/25, annex I), which includes comprehensive provisions.

2. The structure and content of the provisions of the Organized Crime Convention should be taken as a model during the negotiation of a convention against corruption.

3. Focus should be placed on the provisions of a basic nature, such as "Definitions", "Scope of application", "Measures against corruption", "Confiscation and seizure", "Return of confiscated assets" and "Liability of legal persons".

4. Articles on cooperation, criminal proceedings and final clauses could be derived from the Organized Crime Convention.

5. The preparatory meeting to be held in Buenos Aires from 4 to 7 December should prepare a provisional timetable for the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption.

Proposal for the structure of a convention against corruption

6. Turkey proposes the following structure for the convention:

"Article 1
"Purpose

"The purpose of this Convention is to promote international cooperation to prevent and combat corruption.

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"Article 2
"Definitions

"(a) 'Undue advantage'

"(b) 'Public official' [article 8, para. 4 of the Organized Crime Convention]

"(c) 'International civil servant'

"(d) 'Whistle-blower'

"(e) 'Discretionary power'

"(f) 'Suspicious case'

"(g) 'Money-laundering'

"(h) 'Predicate offence'

"(i) 'Preparatory acts'

"(j) 'Property and proceeds'

"(k) 'Intermingled proceeds'

"(l) 'Bank secrecy'

"Article 3
"Scope of application

"This Convention shall apply to the prevention, investigation and prosecution of offences established in accordance with its article 4.

"Article 4
"Criminalization

[In addition to the crimes covered in article 8 of the Organized Crime Convention, active bribery, passive bribery, trading in influence, illicit enrichment, concealment of corruption, including fraudulent accounting transactions, and participation should be covered.]

"Article 5
"Measures against corruption

[A code of conduct for public officials could be included, to raise the awareness of the public concerning corruption and to obtain the support of non-governmental organizations in this respect. The code of conduct could cover the declaration of assets by public officials and by persons who are parties to public contracts, transparency in public contracts and objective rules of promotion in public employment.]

"Article 6
"Liability of legal persons

"Article 7
"Jurisdiction

"Article 9
"Sanctions and remedies

[Principle of proportionality; imprisonment, fines, bans on being a founder or shareholder of companies and financial institutions, bans on participating in public contracts.]

"Article 10
"Confiscation and seizure

"Article 11
"International cooperation for confiscation

"Article 12
"Return of confiscated assets

"Article 13
"Extradition

"Article 14
"Joint investigations

"Article 15
"Special investigation techniques

"Article 16
"Transfer of criminal proceedings

"Article 17
"Establishment of criminal records

"Article 18
"Law enforcement cooperation

"Article 19
"Training and technical assistance

"Article 20
"Financial assistance

"Article 21
"Prevention

"Article 22
"Implementation of the Convention

"Final clauses"